

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

IN RE:)	
)	
TERRY MANUFACTURING COMPANY, INC.)	CASE NO. 03-32063-WRS
)	
Debtor)	CHAPTER 7

IN RE:)	
)	CASE NO. 03-32213-WRS
TERRY UNIFORM COMPANY, LLC,)	
)	CHAPTER 7
)	
Debtor.)	

DELONG, CALDWELL, NOVOTNY, & BRIDGERS, L.L.C., DELONG CALDWELL LOGUE & WISEBRAM, DELONG & CALDWELL, L.L.C. AND EARNEST H. DELONG, JR.,)	
Cross-Appellant/Appellee)	CIVIL ACTION NO.
)	
VERSUS)	2:07-CV-0585
)	
J. LESTER ALEXANDER, III, TRUSTEE OF TERRY MANUFACTURING COMPANY, INC. AND TERRY UNIFORM COMPANY,)	
Appellants/Cross-Appellees)	

**Appeal from the United States Bankruptcy Court for the Middle District of Alabama
Adversary Proceeding No.: 04-03135**

MOTION TO CONSOLIDATE

NOW INTO COURT, through undersigned counsel, comes J. Lester Alexander, III, the duly-appointed and acting Trustee of Terry Manufacturing Company, Inc. and Terry Uniform Company, LLC ("Trustee"), Appellant and Cross-Appellee in the above-captioned proceeding,

who respectfully moves this Court to consolidate this action with Case No. 07-620 currently pending before Judge Watkins. In further support of his motion, the Trustee respectfully submits:

1.

This action is an appeal from the Bankruptcy Court for this District. On June 8, 2007, Appellant, Earnest DeLong filed his Notice of Appeal in the Bankruptcy Court. On June 18, 2007, the Trustee filed his cross-appeal. On June 27, 2007, the Trustee's appeal was transmitted to this Court and assigned Case No. 07-585. On July 6, 2007, DeLong's appeal was transmitted to this Court.

2.

Bankruptcy Rule 8009(a)(2) provides that an appellee like the Trustee "shall serve and file a brief within 15 days after service of the brief of appellant. If the appellee has filed a cross-appeal, the brief of the appellee shall contain the issues and argument pertinent to the cross appeal, denominated as such, and the response to the brief of the appellant." Bankr. Rule 8009(a)(2).

3.

On December 5, 2007, in Case No. 07-620, Judge Watkins denied the Trustee's motion to dismiss DeLong's appeal and ordered that the Trustee file his appellee brief on or before December 20, 2007.

4.

In light of Bankruptcy Rule 8009(a)(2) which provides that a cross-appellant like the Trustee may file one brief in response to an appellant's brief, the Trustee respectfully submits

that in the interest of efficiency and judicial economy Cases 07-585 and 07-620 be consolidated.

5.

The Trustee further submits that because there has already been motion practice and a brief filed by Appellant DeLong in Case No. 07-620, that these matters be consolidated under Case No. 07-620.

For the foregoing reasons, the Trustee respectfully requests that Cases 07-585 and 07-620 be consolidated so that both the appeal filed by Earnest DeLong and the cross-appeal filed by the Trustee may be heard in one proceeding and that the Trustee be awarded such other and further relief to which he may be entitled.

Respectfully submitted,

PHELPS DUNBAR LLP

By: /s/ Catherine E. Lasky
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**ATTORNEYS FOR J. LESTER
ALEXANDER, III, TRUSTEE FOR
TERRY MANUFACTURING
COMPANY, INC. AND TERRY
UNIFORM COMPANY, LLC**

CERTIFICATE OF SERVICE

I hereby certify that I have on this 12th day of December, 2007, electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to all counsel of record who have consented to electronic notification.

/s/ Catherine E. Lasky